

as pertains to

Unites States Supreme Court

EUGENE WZOREK,

)

84-CV-9978,

Plaintiff,

)

Case of Precedent,

v.

)

Plaintiff prevailing

CITY OF CHICAGO,

)

in Shakman Consent Decree

an Illinois Municipal Corporation,

)

Defendant

)

**PETITION FOR EMERGENCY HEARING,
WRIT OF CERTIORARI**

Petitioner and Plaintiff, Eugene Wzorek, now presenting to this body Petition for Emergency Hearing, Writ of Certiorari, regarding the following matters:

The direct and indirect omission of sworn court testimony by expert witness and physician, Dr. Jan Fawcett, as regards Eugene Wzorek, Plaintiff, v. City of Chicago et al, Defendant, case #84-CV-9978; and then, as regards actions undertaken by sworn officers of the Court, and possibly others, in order to evade detection of their own mis-dealings in these and other matters of deception and or concealment, during these and related Federal proceedings.

This matter is both longstanding and of utmost importance to the Court, since Wzorek v. City of Chicago et al is the only case of record wherein Defendants (City of Chicago et al) lost a Shakman case, over the more than 40-year history of the Shakman Consent Decree – thus, making Wzorek v. City of Chicago et al, the Case of Precedent in matters of “political patronage”, which is and remains the very basis of the Shakman Consent Decree.

Despite Plaintiff Eugene Wzorek's “winning in court”, Plaintiff contends that subsequent and improper post-decision filings by Defendant have caused grievous, untolled, unaccounted for, progressive, lasting and ongoing harm to Plaintiff, Eugene Wzorek; and that these violations

toward Plaintiff are so extreme and persistent as to exist to this present day, consisting of continual and ongoing violations of Plaintiff's (Eugene Wzorek) First Amendment Rights; but also, as continuing violations under the Shakman Consent Decree under which this case was originally heard and decided, then placing the need for an honorable decision and resolution to the demonstrated conflicts of interest and official misconduct at the mishandling of Eugene Wzorek by Defendants, City of Chicago et al, and potentially others, as existing firmly within the Public Interest and conscience.

As per the case docket (see attachment A, case docket), case #84-CV-9978 began on 16 November 1984 by Plaintiff filing with the Court. Rather than “swift justice”, the case was delayed at every possible turn, in large part by activities of Defendant (City of Chicago et al) for several years, until late 1987 when arguments had been presented in Northern District Illinois E.D., and a decision against Defendant's (City of Chicago et al) Motion for Summary Judgement Against Plaintiff was denied, with Judge Bernard Martin Decker issuing that memorandum opinion (see attachment A, items 48 and 49, dated 11/06/87; but also, see attachment M, #84-CV-9978, Decker opinion, 05 November 1987). Shortly after and owing to his own declining health, Judge Decker had the case reassigned.

On 31 December 1987, Judge Brian Barnett Duff was assigned to Wzorek v. City of Chicago et al, #84-CV-9978 for continuation (see attachment A, case docket, top of page 4 with “--” listed as item number, “Pursuant to the order of the Executive Committee, cause is reassigned to the calendar of Judge Duff”).

Then on 01 and 02 November 1988, as part of “hearings on damages” (see case docket, attachment A, item number 100; but also item 104) Dr. Jan Fawcett was summoned by the Northern District Court of Illinois, E.D., to give sworn expert medical testimony in the case of

Eugene Wzorek v City of Chicago et al, #84-CV-9978, AS THE COURT'S APPOINTED EXPERT WITNESS (see case docket, attachment A, item 90 dated 08/01/88); wherein, after the suppression of testimony of two prior requested medical witnesses at Defendant's (City of Chicago et al) objection, those witnesses being Dr. Nicholas Borden and Dr. Harold Weiss, Judge Brian Barnett Duff appoints Dr. Jan Fawcett as expert witness for the Court, with Defendant's (City of Chicago et al) participation.

Following bench trial and further hearings, on 21 March 1989 Judge Brian Barnett Duff issues a second decision as favorable to Plaintiff, Eugene Wzorek, in the form of case decision and Equitable Award in the amount of \$145,160.68; (see docket, attachment A, item 118 dated 03/21/89; and also attachment B, 708 F. Supp. 954, Eugene Wzorek v. City of Chicago, No. 84-CV-9978, 21 March 1989).

Therefore, the 01 and 02 November 1988 appearances by Dr. Fawcett occurred during hearings regarding potential damages against Plaintiff, Eugene Wzorek, whom had been prior examined by Dr. Fawcett, but also two other physicians, Dr. Nicholas Borden and Dr. Harold Weiss. As per the the decisions in this case, Plaintiff's illness was deemed the responsibility of Defendant (City of Chicago et al), in whole or as its most significant part.

To the best of Defendant's (City of Chicago et al) abilities, what can only be described as a “coordinated effort to suppress the court ordered expert testimony” of Dr. Jan Fawcett was then undertaken by Defendant (City of Chicago et al). To a large degree and by the record, it now appears as if that effort was for the most part successful, though evidence of the deceptions then undertaken by Defendants (City of Chicago et al) does exist. The remainder of this Petition for Emergency Hearing, Writ of Certiorari, shall more clearly outline and detail the various deceptions and methods used to suppress the court appointed testimony of expert witness, Dr. Jan

Fawcett, as per Eugene Wzorek v. City of Chicago et al, #84-CV-9978.

Continuing:

On 04/27/89, Plaintiff, Eugene Wzorek, files motion to direct Defendant (City of Chicago et al) to pay final judgement (see docket, attachment A, items 121 and 122, dated 04/27/89); while on the same day, 04/27/89, Defendant then files an EMERGENCY NOTICE OF APPEAL with Seventh Circuit, motion for stay of execution of judgement and for wavier of bond pending appeal (see docket, attachment A, item 123, dated 04/27/89).

On 04 August 1989 (see docket, attachment A, items 131, 132 and 133), Judge Duff ordered Plaintiff's (Eugene Wzorek) expert witness, Dr. Jan Fawcett, to give deposition in open court at a future date as part of Defendant's examination; this was in response to Defendant's motion to bar expert witness testimony. It was at this time that Defendant's (City of Chicago et al) motion to bar testimony of Petitioner Eugene Wzorek's "expert witness and previously undisclosed witnesses" was upheld by the Court, which effectively barred the two medical witnesses previously mentioned herein, Dr. Nicholas Borden and Dr. Harold Weiss, from giving sworn medical testimony to the court; neither Dr. Borden nor Dr. Weiss was then under any sanction by the AMA, nor had either been sanctioned by any court for giving false or misleading testimony, rendering Defendant's motivations for filing this objection as "highly questionable".

Findings from August 1989

As per court transcripts for hearing, 04 August 1989, Judge Duff clearly states the following AS ALREADY HAVING OCCURRED (see attachment N, transcript 04 August 1989, page 150 line 18 through page 151, line 7): "Mr. Ex [corporation counsel for Defendant], I made a ruling. I said how much money you should give this man [Plaintiff, Wzorek]. I also said that he should be able to take psychiatric care for the next six months, so that after those six months, I could make

a determination of whether or not he [Wzorek] should be reinstated. You [Defendant] don't want him to have any money so you went upstairs [USCOA] and got a stay on some basis I still don't understand, and the man [Plaintiff, Wzorek] doesn't have any money to pay a psychiatrist to do what he has to do in order for me to reinstate him. Now, you [Defendant] have set up a situation by your own choosing to deprive the' {sic} man of-any {sic} wages or any opportunity to have medical care. So Mr. Gubbins [Plaintiff's attorney] asked could we advance. {sic} this so we can take the pain off.”

Judge Duff then continues, reaffirming not only the intent of his original order, but also alluding to the presence of PRIOR sworn medical testimony; further, Judge Duff restates his contention that Defendant (City of Chicago et al) is directly responsible in depriving Plaintiff and Petitioner, Eugene Wzorek, of funds for medically necessary care (see attachment N, transcript 04 August 1989, page 151, lines 10 through 18): “That's because of your [Defendant's] actions, not Gubbins' [Plaintiff's attorney] actions. His response to the situation was only because of the City just absolutely refusing to let the nature and spirit of my order be conducted by depriving the man [Plaintiff, Wzorek] of any money by which he could have his psychiatric care that he must have for me to make the ruling.”

Judge Duff continues, citing the ultimate goal of treatment for Plaintiff, Eugene Wzorek, is so that Wzorek may be reinstated to employment (see attachment N, transcript 04 August 1989, page 151, lines 16 through page 152, line 2):

“Now that's a dilemma of great impact. It was of your 'making {sic}. You make it; we will resolve it. This is an equitable proceeding. I am going to see to it that I get the psychiatric reports on this man [Plaintiff, Wzorek] before the City is off the hook. The front pay, if that's what you want to call it, is going to depend upon your allowing that to happen, okay? So you [Defendant]

are not going to sit there and not let this man [Plaintiff, Wzorek] get the psychiatric care that's going to be necessary for the doctor to be able to make a decision as to whether he should be reinstated. If this case has to take 20 years, I will keep jurisdiction over it.”

Judge Duff then reemphasizes the equitable nature of Plaintiff's award, and the proceedings; but also alludes to some form of peculiar method, perhaps coercion or deception, in Defendant's dealings with Seventh Circuit; and yet again, Judge Duff cites Defendant's (City of Chicago et al) direct responsibility for continuation of Plaintiff's illness and suffering (see attachment N, transcript 04 August 1989, page 152, line 6 through 11):

“As far as I'm concerned, I made a ruling on a liquidated amount. You [Defendant] don't want to pay it. Interest is going to run, and I know the City has now got the Seventh Circuit to say that they [Defendant] don't have to pay what they [Defendant] owe. That's a whole other story. This is an equitable ruling, and it's a function where the City is responsible for this man's [Plaintiff, Wzorek] psychological deterioration.){sic}”

On 16 August 1989, Dr. Jan Fawcett appears before the Court for the third time. Dr. Fawcett's first two court appearances occurred 01 and 02 November 1988 (see attachment A, case docket items 100 through 103, and also docket item 104), wherein Dr. Fawcett gives sworn expert witness testimony as to Petitioner Eugene Wzorek's psychological condition, disposition, and recommendation for a medically effective treatment for the conditions from which Wzorek now suffers (see attachment C, Transcript, 16 August 1989, as with accompanying notations in cover sheet), as evidenced by Judge Duff's above noted comments of 04 August 1989, which occur prior to Dr. Fawcett's 16 August 1989 testimony and third appearance before the Court.

In support of this contention, on page 8, lines 19 through 23 of the 16 August 1989

transcript, Judge Duff cites that this testimony by Dr. Jan Fawcett is a return appearance to the court, and alludes to prior (01 and 02 November 1988) sworn testimony as given by Dr. Fawcett; however, there is no other “existing” testimony for Dr. Fawcett in the Court record, as has been found to date; and so therefore it appears as if Dr. Fawcett's 01 and 02 November 1988 appearance in sworn court testimony, as the Court's medical witness, has been “cleansed” or otherwise removed from all official record in the case, even as it required several years for a “reasonably accurate” copy of the 16 August 1989 transcript of court proceedings to be “produced”

[Footnote: see attachment A, case docket, item #222 dated as 11 October 1994; this citation demotes the apparent first “appearance” of a reasonably accurate and proper transcription of Dr. Fawcett's sworn testimony – to which Plaintiff and Petitioner, Eugene Wzorek, also possess two “earlier” clerk-supplied versions of said “transcript” from 16 August 1989, both of which appear to be “spoiled” or otherwise obscured by specific methodologies - consisting of the insertion of “wrong pages” not in court testimony for the case, multiple mis-datings, being stamped with unrelated case numbers, carrying different transcriptionist's signatures - thus rendering Dr. Fawcett's sworn testimony in each of these earlier instances as remaining either unpublished (in one instance, Dr. Fawcett's testimony is missing entirely), or, if present, then as existing while listed under an unrelated case number and date (in the second instance), thus rendering either of the two earlier “transcripts” for 16 August 1989 as “unavailable” by way of a normal search request, and that this “condition” of “unavailability” remained true for anyone seeking a copy of Dr. Fawcett's court testimony until 11 October 1994, as cited in the case docket item 222 ;

[It was only through Plaintiff Wzorek's dogged persistence over years of requests and proceedings, that the final, “reasonably accurate” transcript was introduced to the Court – again, see attachment A, item 222, on 11 October of 1994; It is this “reasonably accurate” transcript of

16 August 1989 which Plaintiff provides, for the record and for purposes of this filing;

[The Court of course stands notified that Plaintiff is in possession of original copies of court provided, court stamped and signed paper copies of the previously cited “mistakes” for 16 August 1989, each of which obscures Dr. Fawcett's testimony in multiple ways - and thus, Plaintiff and Petitioner Wzorek stands ready to produce these “fraudulent” copies in their entire physical form, complete and unaltered, with clerk- and transcriptionist-applied handwritten sticky notes, as upon Your Honors' summons.]

It is important to note that as of the date this filing (July of 2018), no audiotape recording or transcript (both of which constitute “official” court record) of Dr. Fawcett's 01 and 02 November 1988 testimony has ever been furnished to Plaintiff, Eugene Wzorek, by any official of the Court, and have in fact been denied to Plaintiff at every turn when requested; this omission of sworn court testimony from the evidence of record exists in direct contradiction to the Guide to Judiciary Policy, Volume 6, Court Reporting, section 120, “Authority” (see attachment D, version: transmittal 06-011, May 1, 2018).

It is also important to note that as of Defendant's (City of Chicago et al) filing of EMERGENCY NOTICE OF APPEAL with Seventh Circuit, dated 04/27/89, then of the many specific and listed items on docket where transcripts are furnished to USCOA Seventh Circuit, there is no mention whatsoever of furnishing transcripts which bear the hearing dates “01 and or 02 November 1988”, wherein Dr. Fawcett's previous sworn expert witness testimony was given to the Court; nor does it appear as if Dr. Fawcett's later (16 August 1989) sworn expert witness testimony was ever furnished to USCOA Seventh Circuit Court (case docket, attachment A, items # 125 dated 05/11/89, #126 dated 06/02/89, #127 dated 06/09/89, #139 dated 08/25/89, #147 dated 09/12/89, #151 dated 09/18/89, and #155 dated 10/05/89).

This omission of sworn testimony by court-appointed expert medical witness Dr. Jan Fawcett from the Court's official record, as for the testimony dates of 01 and 02 November 1988 - and for the moment, excepting the existence of Dr. Fawcett's sworn testimony AS RECORDED in transcripts from 16 August 1989 proceedings in #84-CV-9978, which themselves were not “readily available” prior to 11 October 1994, according to the case docket and Plaintiff Eugene Wzorek's best recollection (see attachment A, item 222 dated 11 October 1994), represent a “gap” of more than 5 years during which accurate transcripts did not exist for any Dr. Fawcett's three instances of critical medical testimony in this case – also reflecting a general, widespread, prolonged and profound disregard for Plaintiff's due process rights, as it also constitutes a protracted and ongoing violation of Petitioner and Plaintiff Eugene Wzorek's First Amendment rights, with Plaintiff being treated in callous disregard by persons associated with Defendant (City of Chicago et al), Northern District Court Illinois, E.D., and even USCOA Seventh Circuit; but thus, also potentially by any and all applicable court reporters and clerks of record, whom are thus charged by the court with these official record keeping tasks, as specific to this and other glaring omissions in the Court's official legal record regarding #84-CV-9978, and related case numbers [those case numbers being #84-CV-9978, as the principal case; and cases #89-1868 and #89-2988 at the appellate level, then later #95-3470; and #05-CV-4141; but also something known as “94 C 1088”, a case number which seemed only to exist as a date stamp upon the cover page of the aforementioned “fraudulent” copies of 16 August 1989 transcripts in Plaintiff's main case – and this “mistaken” case stamp existed as being the only “transcript” available from the court for that case hearing, over the course of two flagrantly “botched” prepared copies of that transcript date, with this “mistake” standing for more than five years before it was finally corrected on 11 October 1994, in the form of the transcript for that date as Plaintiff provides herein).

Yet further, Plaintiff and Petitioner Wzorek contends that these “omissions” and “botched transcripts” constitute direct and compelling evidence of the “long reach of Chicago politics”, such that not even the nation's higher courts and Court personnel are immune from the ill effects and “required duties” of partisan political patronage, further emphasizing the Public Interest aspect in Wzorek v. City of Chicago et al;

But also fairly demanding the scrutiny of Your Honors, since by any reasonable account and at the most basic level, these “omissions” - as “standing mistakes” which were allowed to be continued, and then repeated, or mutated and held for posterity, on multiple occasions, despite proper citations and other efforts set forth by Plaintiff and Petitioner, as having happened by multiple sworn court officers and functionaries, over a period of several years - constitutes not merely an active and ongoing violation of Plaintiff Eugene Wzorek's Civil Rights by Defendant (City of Chicago et al); yet more importantly, these “repeated omissions” of court ordered expert testimony stand as an existential threat to the sanctity and integrity of this great Court itself, and to the highest Law of this Land.

Continuing:

On 6 September 1989, after RE-hearing (for the third time) sworn expert witness testimony regarding the medical condition of Plaintiff, Eugene Wzorek, Judge Duff orders the following: To increase the award of back pay by \$14,500.00 and to award prejudgement interest in the amount of \$362.50. Then, due to the passing of time since his earlier decision, Judge Duff further awards Petitioner and Plaintiff Eugene Wzorek front pay in the amount of \$33,518.17. Judge Duff also further orders Defendant (City of Chicago et al) to provide for Plaintiff's court-determined necessary psychiatric treatment for a period of two years, up to the amount of \$150,000.00 (see attachment E, 718 F. Supp. 1386, Eugene Wzorek v. City of Chicago, #84-CV-9978, 6 September 1989).

Judge Duff's decision and findings of 6 September 1989 were predicated upon Plaintiff's sworn testimony; and upon the HISTORY OF SWORN EXPERT MEDICAL TESTIMONY by court-appointed expert medical witness Dr. Jan Fawcett in this case (testimony as given in court on 01 and 02 November 1988, and also 16 August 1989) as regards the cumulative psychological effects which years of maltreatment, denials, "endless" proceedings, and numerous other misdealings at the hands of various City of Chicago employees, attorneys, associates and assigns had at that time already inflicted upon Petitioner (Eugene Wzorek), with illness and psychological damage upon Plaintiff, Eugene Wzorek, being deemed by the court as Defendant's (City of Chicago et al) responsibility.

Therefore, while hardly being "reactionary and discretionary", Judge Duff was attempting to fashion an equitable remedy for Plaintiff, Petitioner and sufferer Eugene Wzorek, based in Dr. Fawcett's sworn expert medical testimony and the Court's best practices, that would allow for required months of inpatient care, but also for contiguous and integrated followup outpatient treatment, any needed therapies, and followup, after which point Plaintiff, Eugene Wzorek, was to resume status hearings with the Court in order to determine whether Plaintiff's (Eugene Wzorek) medical progress and prognosis was adequate to allow him to attempt to return to employment;

By "progress", Justice Duff was not necessarily suggesting a return to City of Chicago employment, but instead as referring to Petitioner and sufferer's (Eugene Wzorek) being mentally and emotionally capable to attempt a return to employment within the general workforce whatsoever, since Plaintiff's (Eugene Wzorek) existing condition was deemed profound, debilitating and chronic, being a direct result of Plaintiff's (Eugene Wzorek) treatment at the hands of Defendant, City of Chicago et al (see attachment C, transcript, 16 August 1989, regarding Court opinion and Dr. Fawcett's sworn testimony, with accompanying notations as

cover sheet).

As a matter of this court determined testimony, it was Dr. Fawcett's expert medical opinion that Eugene Wzorek had been rendered deeply psychologically affected by a series of mistreatments, beginning no later than Wzorek's firing by City of Chicago, which previous decisions had already found to be politically motivated, constituting a direct violation of the Shakman Consent Decree on part of Defendant (City of Chicago et al) against Plaintiff, Eugene Wzorek, a former City of Chicago employee and truck driver (see attachment A, case docket, item 90 dated 08/01/88; but also attachment C, transcript, 16 August 1989, regarding Court opinion and Dr. Fawcett's sworn testimony, with accompanying notations as cover sheet).

Yet further, it was also Dr. Fawcett's medical opinion under oath that the condition which affected Wzorek was not only possibly chronic and long term, but also potentially (and at that time) treatable under proper medical supervision and care, and that it was Wzorek's suffering from this very same set of medical circumstances - perhaps these alone - which had rendered Mr. Wzorek unfit to return to work as a truck driver, whether with City of Chicago or elsewhere, while buffeted daily from these underlying, untreated conditions and symptoms (see attachment C, Notes of Dr. Fawcett's 16 August testimony, transcript of 16 August 1989, regarding Court opinion and Dr. Fawcett's sworn testimony, accompanying notations as cover sheet).

Your Honors, and for the record, Eugene Wzorek would never again re-enter the workforce, nor even general employment, due to his suffering and the lack of effective treatment for his illness.

Due to a number of critical factors detailed during later court proceedings (see attachment C, transcript, 16 August 1989, regarding court opinion and Dr. Fawcett's sworn testimony), not the

least of which was Plaintiff and sufferer Eugene Wzorek's inability to return to employ as the direct result of his ongoing psychological conditions at that time, Plaintiff Wzorek's underlying psychological distress and illness has remained, to this day, essentially unaddressed and untreated, the effect of which has rendered Petitioner Wzorek chronically unemployed throughout the remainder of his adult life; yet also, chronically unemployable, as was established and foretold by Dr. Fawcett during sworn court testimony at that time, on the 16th of August in 1989 (see attachment C, Notes of Dr. Fawcett's 16 August testimony, transcript of 16 August 1989, regarding Dr. Fawcett's sworn testimony).

It was Judge Duff's court order of 06 September 1989 (see attachment E, 718 F. Supp. 1386, Eugene Wzorek v. City of Chicago, #84-CV-9978) which would have allowed Wzorek means, via adequate funding, for a combination of extended expert inpatient treatments and therapy, outpatient care, and coordinated followup, made necessary due to Wzorek's illness, which the Court (Judge Duff), Plaintiff (Eugene Wzorek), and court-appointed expert witness Dr. Jan Fawcett, all held in testimony during open court, as being due to the actions of Defendant, City of Chicago et al, personnel, representatives, employees, agents, associates and assigns thereof.

Further findings:

a. Judge Duff had prior requested from attorneys on all sides of the case to bring to the court comparable decisions and cases, at which point no such cases in equity were ever produced, regarding Shakman, at any time by any of the attending attorneys; therefore, and since no one before had ever prevailed in a Shakman case (nor has anybody since), Judge Duff during proceedings correctly cited Eugene Wzorek v City of Chicago et al, #84-CV-9978 as the Case of Precedent, and moved forward in hearings accordingly.

b. Judge Duff was also very clear during proceedings that as the Case of Precedent, Eugene

Wzorek v. City of Chicago et al was to proceed under Old English Law and in Equity, wherein decisions thereof are not subject to the vagaries of statutory pleadings (see attachment C, transcript, 16 August 1989, accompanying notations citing Judge Duff's comments regarding the equitable nature of remedy in Wzorek v. City of Chicago, as comments to Defendant during proceedings; but also attachment N, transcripts of 04 August 1989, with notations on Duff's comments as cover sheet).

c. Being that Defendant, City of Chicago et al, had prior entered into a standing contract with the Court (see attachment F, Shakman Judgement, Michael L. Shakman and Paul M. Lurie et al v. The Democratic Organization of Cook County et al, #69-CV-2145, dated 5 May 1972), then the Shakman Consent Decree as it is collectively known, once violated by Defendant (City of Chicago et al) as a loss in trial, offers Defendant (City of Chicago et al in this instance) no particular "protections" under law, and thus was not subject to appeal in statutory pleadings, since Defendant's violation of this longstanding and mutual contract ("consent decree") can only be considered "willful"; hence, Judge Duff correctly cites equitable remedy for Wzorek, and rules accordingly.

d. Therefore, as of Judge Duff's Court Order of 06 September 1989 (see attachment E, 718 F. Supp. 1386, Wzorek v. City of Chicago et al, #84-CV-9978), it was already well and prior established in court testimony, and understood by Defendant (City of Chicago et al), that Plaintiff, Eugene Wzorek, was being awarded damages in Equity Proceedings, a portion of which was commensurate to necessary, medically required, extensive psychological care, need of which for Plaintiff and sufferer, Eugene Wzorek, had been made necessary and or also further aggravated by the direct and indirect actions of Defendant, City of Chicago et al, over the very period of time since the offense which brought Defendant (City of Chicago et al) to the Court's attention in the first place, via Defendant's (City of Chicago et al) court demonstrated and

previously cited violations of the Shakman Consent Decree, as occurring against Plaintiff, Petitioner, and City of Chicago truck driver, Eugene Wzorek.

In summary, Your Honors, even during these court proceedings, Defendant City of Chicago et al was utilizing every available means at it's disposal in order to further punish, penalize, cease and or delay justice for Plaintiff, Petitioner and sufferer Eugene Wzorek; and did so willingly and unceasingly, even after losing the protections and advantages it traditionally had enjoyed, this by violating the Shakman Consent Decree.

Writ of Certiorari

1. On 11 May, 1990, during open court, while hearing case # 89-1868 / 89-2988, Seventh Circuit Appellate Judge Frank H. Easterbrook did state to City of Chicago acting Corporation Counsel (and then-Assistant US Attorney) Lawrence Rosenthal, “Didn't you think that some day somebody was going to win [a Shakman] some time?”

Further, in the same hearing on 11 May 1990, Judge Easterbrook stated “If you didn't like this [loss in Shakman, to Petitioner Eugene Wzorek], then why didn't you get rid of the Shakman?” Supplied quotes are from the memory of Petitioner and Plaintiff, Eugene Wzorek, whom was present at this hearing. [see attachment A, item #184 filed 08/10/90, which cites hearing date of 05/11/90, decision of which was entered on 13 July 1990]; and yet, these suggest that even the Justices of USCOA Seventh Circuit were “scratching their heads” regarding Defendant's (City of Chicago et al) efforts in appeal, since Defendant (City of Chicago et al) had already clearly violated a standing consent decree, and thus also a court order and mutually agreed contract currently under court supervision.

2. After said “coaching” of Defendant's attorney/s by the Justice Easterbrook, USCOA

Seventh Circuit then went on to hear Defendant's (City of Chicago et al) appeal in Shakman – appeal of which is not provided for under the Shakman, since Shakman exists/existed as a Court Ordered contract and Consent Decree, of which Defendant, City of Chicago et al, was a consenting and thus also participant signatory.

Shakman therefore is a Contract / court supervised Consent Decree which, once broken by Defendant/s, cannot be honored (or considered honorable) again, since violation of the Contract (Consent Decree) vitiates the contract itself, removing protections which might otherwise be offered to signatories had the Consent Decree not been arranged prior to the violation/s as committed. Hence, no provision for Appeal was given under the Shakman decision, and instead the Court (Northern District Illinois E.D., and USCOA Seventh Circuit) were and are to this day duty bound under the Shakman Consent Decree decision to carry out Fiduciary, Restorative, and Punitive responsibilities in the instance of any Shakman violation, holding in Equity for Plaintiff/s, whereupon those responsibilities fall upon these justices in particular, as originally ruled upon and agreed to by all parties under the Shakman decision (see attachment F, specifically paragraph H2, Shakman Judgement, Michael L. Shakman and Paul M. Lurie et al v. The Democratic Organization of Cook County et al, #69-CV-2145, effective 5 May 1972).

3. While transcripts of proceedings are indeed court records, and despite multiple attempts by Wzorek at acquiring the same, no such transcripts have ever been provided to Plaintiff and Petitioner Eugene Wzorek from that 11 May 1990 hearing in USCOA Seventh Circuit #89-1868 / #89-2988; but even so, “A transcript was made from a tape, but the transcript is not the original; the tape is... We do not think that these should be deemed judicial records, unless some reason is shown to distrust the accuracy of the stenographic transcript,” with quote being attributed to Judge Richard Posner, Seventh Circuit Federal District Appeals Court, Smith v.U.S. District Court Officers, 98-1423, 98-1548, 203 F.3d 440 (2000).

Therefore, in the instance of any identifiable discrepancy in transcripts (or in the complete lack of transcripts whatsoever), which in this specific instance of USCOA Seventh Circuit cases # 89-1868 / #89-2988, have never been made available nor have otherwise ever been furnished to Plaintiff and Petitioner Eugene Wzorek; and since master audio recording tapes of proceedings are to be considered the true record of proceedings, citing Judge Richard Posner, Justice, Seventh Circuit Appellate Court, as per Smith v. U.S. District Court Officers, #98-1423 / #98-1548, 203 F.3d 440 (2000); then Plaintiff and Petitioner Eugene Wzorek has been denied his most basic First Amendment rights as occurring by the action and inaction on the part of Court officials, employees, functionaries and assigns of the Seventh Circuit Appellate Court itself, insomuch as those persons were acting in direct violation of court findings, Federal court policy, Federal statute, and the intentions and aims which constitute final settlement of signatories under the Shakman Consent Decree, responsibility for which ultimately falls under the direct supervision and oversight of this most Supreme judicial body , Your Honors.

4. Also occurring on 11 May, 1990, during Defendant's (City of Chicago et al) testimony during appeal in case # 89-1868 / #89-2988, then-Assistant U.S. Attorney Lawrence Rosenthal, representing and thus acting on behalf of Defendant, City of Chicago et al, did impugn himself and may have committed perjury and extrinsic fraud by pretending not to know of the content of prior court recorded medical testimony in the case decisions then under appeal (Eugene Wzorek v City of Chicago et al, #84-CV-9978, as regards Dr. Jan Fawcett's sworn expert testimony as medical witness, dates of 01 and 02 November 1988, and also 16 August 1989); but that in so doing, City of Chicago acting Corporation Counsel Rosenthal did specifically and willfully materially misrepresent Defendant's responsibility within those same medical findings, as regards the nature, causation and illness suffered by Plaintiff and Petitioner, Eugene Wzorek, expert medical opinion of which was in fact (or at minimum, should then have been) thrice duly

recorded in prior sworn testimony, as given in open court by Dr. Jan Fawcett [see attachment C, Transcript, 16 August 1989; but also attachment A, item 90 dated 08/01/88, stating “The Court appoints Dr. Jan Fawcett has [sic] its expert.”];

Yet further, that in so doing City of Chicago acting Corporation Counsel Rosenthal then during appeal hearings in case # 89-1868 / #89-2988 “acted to obstruct justice”, by means of concealing prior established court testimony by court appointed expert witness, Dr. Jan Fawcett, in case #84-CV-9978 (toward which appeals 89-1868 and 89-2988 were directed and attached), and that through this means, acting City of Chicago Corporation Counsel Lawrence Rosenthal may have committed extrinsic Fraud Upon the Court, on the behalf of or at the direct or indirect request or instruction of Defendant, City of Chicago et al, by withholding vital evidence regarding critical prior medical testimony, which had already been heard and weighed upon by Judge Brian Barnett Duff in Northern District Court Illinois E.D.; and that as such, without warrant, cause or jurisdiction, City of Chicago acting Corporation Counsel Lawrence Rosenthal did willfully and unlawfully attempt to overturn or delay a prior and medically urgent equitable decision in #84-CV-9978, that of the presiding justice in that case, Judge Duff (see Judge Duff's decisions, attachment B, 708 F. Supp. 954, Eugene Wzorek v. City of Chicago, No. 84-CV-9978, 21 March 1989; and also attachment E, 718 F. Supp. 1386, Wzorek v. City of Chicago et al, #84-CV-9978, 06 September 1989).

[Footnote: Attorney Rosenthal's Actions as Part of a Continuation of Similar Obfuscations]

[As sidebar to item 4 above, the AVAILABLE medical evidence spoken of, as given in sworn testimony by Dr. Jan Fawcett on 16 August 1989, was in fact hidden from the official transcripts of that date in #89-CV-9978 for a period of several years; and while a transcript of Dr. Fawcett's medical testimony does now finally “exist”, Petitioner Eugene Wzorek has full evidence of this

“ancillary,” accompanying fraud and criminal manipulation of the transcript record itself, complete with multiple signatures [aka, “forgeries”] and carrying various dates and or case numbers, on multiple court-stamped, court supplied, completely disparate “versions” of the “official transcript” of 16 August 1989; the full effect of which not coincidentally benefitted acting City of Chicago Corporation Counsel Lawrence Rosenthal and Defendant, City of Chicago et al, as aiding and abetting in this attempt at committing Fraud Upon the Court, via direct omission and or manipulation of Court established facts and court-appointed expert witness testimony - that of Dr. Jan Fawcett, as has already been established in record herein;)

[Therefore Petitioner, Plaintiff and sufferer Eugene Wzorek stands fully prepared to present this physical evidence, in the form of three [3] DISTINCT, separate “versions” of the “final prepared document” of the 16 August 1989 transcript in open court, for the immediate inspection and full attention of these Most Honorable assembled Justices;

[While these physical transcripts, and other evidence of fraud, malfeasance and mis-dealing has been cited in prior pleadings, neither the Northern District Illinois E.D., nor the USCOA Seventh Circuit has ever allowed presentation of the physical evidence (actual physical copies of transcripts, as described) supporting these allegations;

[Thus Petitioner, Eugene Wzorek, having been denied the opportunity to present substantiating physical evidence in court as regards various and numerous motions citing specifics of the same, has been denied justice by way of further, continuing and ongoing violations of Petitioner and Plaintiff Eugene Wzorek's First Amendment rights, rendering any further pleadings on the part of Petitioner (Eugene Wzorek) on these matters within those specific venues as “moot” and compromised;

[But also, in consideration of Plaintiff's proposed presentation of direct physical evidence of Fraud Upon the Court, any normally contiguous statutory considerations such as laches, res judica, limitations and time barring, etc, can thus be demonstrated to violate Petitioner Wzorek's Civil Rights in equity proceedings, since fraudulent concealment tolls any applicable statute of limitations, thus also presenting a substantial risk and moral hazard to the credibility and standing of this great Court itself, should this condition of “denial of justice” for Plaintiff be allowed to continue to stand, or else otherwise be left to “forfeit,” as remaining unaddressed by this most prestigious Body, The Supreme Court of the United States.]

5. Yet further, and according to the signed clerk's receipt, U.S. Court of Appeals, Withdrawal Slip as record for the Seventh Circuit, acting City of Chicago Corporation Counsel Lawrence Rosenthal removed the master audio tape recording for case hearing, recorded on 11 May 1990, Seventh Circuit Appellate # 89-1868 / #89-2988 from the court records vault / evidence repository on or about 26 June 1990 (see attachment G, Record Withdrawal Slip, United States Court of Appeals for the Seventh Circuit, signed by Attorney Lawrence Rosenthal as dated 26 June 1990, date stamped “Jul 18 1990”); and while at that time (and thus for the record) occurring under Rule 11, in it's current context then the ongoing refusal of Attorney Rosenthal to replace said recorded audio tape evidence back into Court record stands in clear defiance of Rule 11E of the Illinois Code of Civil Procedure and Rules of Court, Smith-Hurd Annotated Statutes, Federal Court Rules, U.S. Court of Appeals for the Seventh Circuit, U.S. District Courts of Illinois, Chapters 110 (Practice) and 110A (Practice Rules), active August 12, 1987, which was in full effect when City of Chicago acting Corporation Counsel Lawrence Rosenthal did physically remove this master court audio recording (see attachment H, Rule 11E, as published).

6. Plaintiff hereby cites acting Corporation Counsel Lawrence Rosenthal's removal of master audio tape / Court Record from the vault in appellate hearings in USCOA Seventh Circuit cases

#89-1868 / #89-2988; and the removal of permanent records from the case file, as a gross violation of Plaintiff's (Eugene Wzorek) right to a fair trial;

But also, Plaintiff Wzorek hereby cites acting City of Chicago Corporation Counsel Lawrence Rosenthal's complicity in "covering his own (attorney Rosenthal's) tracks" of grievous, damaging and damning omissions of record (as regards previous and standing Court findings, court orders, court opinion, expert witness testimony, and matters previously heard and decided in equity) during earlier court proceedings, as occurring by this very act of Attorney Rosenthal's direct removal of the master court audio recordings from the court record per the case in hearing, #84-CV-9978;

And that these actions on the part of counsel Rosenthal constitute direct evidence of longstanding and continuing wrongdoing, with grievous harm to Plaintiff, Petitioner and sufferer, Eugene Wzorek;

But also, in and of themselves, as constituting separate and ongoing violations of the aims and intent of the Shakman Consent Decree, as to have occurred against Plaintiff, Petitioner and sufferer Eugene Wzorek throughout this entire period of time (as being unto the present day) at the hands of Defendant and Defendant's assigns, City of Chicago et al.

7. In a subsequent hearing resulting in decision, on 23 July 1992, Judge Brian Barnett Duff denies Eugene Wzorek access to copies of the master audio recording tapes of Plaintiff Wzorek's own case [record of which is found in attachment J, "Motion for access...", # 84-CV-9978, with accompanying transcript of 23 July, 1992, Judge Duff's specific reasoning being found on transcript page 3, line 22 and continuing through page 4, line 2;]. In this decision, Justice Duff rather ineptly compares the court's official audio tape record to a stenographer's "pencil" - while

in direct contrast and comparison to an official court record existing in the form of a mechanical audio/voice tape recording (as per Judge Richard Posner, Seventh Circuit Federal District Appeals Court, Smith v. U.S. District Court Officers, 98-1423, 98-1548, 203 F.3d 440, 2000); then by an honest comparison, a stenographer's pencil exists as nothing more than a commodity, a physical writing instrument which by itself neither conveys nor bears any critical or differential information whatsoever, in any case.

8. On 3 July 1996, Seventh Circuit Appellate Court, again with Judge Easterbrook, accompanied by Justices Cummings and Ripple, in a case directly related to 84-CV-9978 but listed in appellate court as 95-CV-3470, USCOA Seventh Circuit further denies Petitioner Eugene Wzorek's appeal to obtain copies of the master audio tapes of these otherwise improper and fraudulently flawed proceedings (see attachment J, records on file, as USCOA for the Seventh Circuit, case # 95-3470, Ordered as rehearing "DENIED", dated 3 July 1996, signed by Judges Cummings, Easterbrook and Ripple).

[Responsibility of the Northern District Illinois E.D., USCOA Seventh Circuit]

[As sidebar to Items 7 and 8 above, while pending evidence of this Rule 11E violation on the part of acting Corporation Counsel Lawrence Rosenthal (on behalf of Defendant, City of Chicago et al) has been cited in several prior pleadings, neither the Northern District Illinois E.D., nor the USCOA Seventh Circuit has ever allowed such evidence to be presented in court hearing, even while rendering decisions against Plaintiff Eugene Wzorek in these filings, apparently based purely in the court's own "speculation" regarding the physical evidence at hand ;

[And thus, without presentation of physical records, these decisions themselves constitute further and ongoing violations of Petitioner and Plaintiff Eugene Wzorek's Civil Rights, since

both venues have seen fit to allow this condition (missing evidence of record) to stand throughout this entire period without applying adequate direct Court supervision or Court ordered inspection of requested records;

[Thus, it appears to Plaintiff and Petitioner Eugene Wzorek that not only the Northern District Illinois E.D., but also USCOA Seventh Circuit both now stand in clear violation of the aims and intent of Rule 11E, thus currently barring either of these entities from filing further motions, briefs, memoranda or opinions in this current case filing, Petition for Emergency Hearing: Writ of Certiorari, Eugene Wzorek v. City of Chicago et al, #84-CV-9978. [see attachment J, as records on file with transcript, “Motion for access to tapes / Appeal denied” - decision in 84-CV-9978 by Judge Duff, dated 23 July 1992, with accompanying transcript; and also accompanying USCOA for the Seventh Circuit, case # 95-3470, Ordered as rehearing “DENIED”, dated 3 July 1996, signed by Judges Cummings, Easterbrook and Ripple.]

9. In the instance of evidence currently presented herein regarding Defendant's appeal testimony, City of Chicago acting Corporation Counsel Lawrence Rosenthal's extrinsic fraud and or obstruction of justice (omitting vital evidence and expert testimony of Court record, during court proceedings, in attempt at overturning or delaying a standing court order) during hearing in USCOA Seventh Circuit cases # 89-1868 / #89-2988, can be demonstrated to have resulted in that court's reversal of Plaintiff's Equitable Award for medically necessary care of up to \$150,000, and was thus later aided and obscured from public review or the possibility of court scrutiny by way of “missing” master audiotape recordings, specifically those recordings pertaining directly to Attorney Rosenthal's and or Defendant's (City of Chicago et al) appearance and testimony in open court on 11 May 1990, as regards #89-1868 / #89-2988;

For which, acting Corporation Counsel Lawrence Rosenthal himself signed the audiotapes in

question out of court record and into his own possession, and this by his own hand;

Thus, with acting Corporation Counsel Lawrence Rosenthal removing a potentially “incriminating” (damning?) master audio tape recording from Court record, and with that record being in his possession on behalf of Defendant, City of Chicago et al, then:

As evidence and as matters of continuing judicial record of the actions undertaken by Defendant's acting Corporation Counsel Lawrence Rosenthal's omission of vital evidence during any and all subsequent hearings (including Defendant's appeals), Defendant's ill intent is further alluded to by Justice Duff in subsequent status hearings on the original case, 84-CV-9978 (see attachment C, transcript of 16 August 1989, with Duff notations as coverpage), taking special notice of Judge Duff's comments in dismay regarding: [1] Defendant, City of Chicago et al, as potentially omitting vital court determined evidence from its appeals hearing, page 4, line 20 through page 5, line 2, suggesting perjury and or obstruction of justice on the part of Defendant; and [2] page 5, lines 1 and 2, wherein Judge Duff cites Defendant, City of Chicago et al, as having caused the problem of direct interference in this case by way of a court official (as evidence would cite, Defendant's acting Corporation Counsel, Lawrence Rosenthal; but also potentially others) in the execution of an otherwise equitable final decision and award for Plaintiff's medically necessary care, as being based on a substantial misrepresentation of known and court-established facts during later proceedings in appellate venue, once again suggesting Defendant may have perjured themselves or otherwise obscured and or misrepresented vital medical testimony in USCOA Seventh Circuit during appeals proceedings.

10. As of the above evidence, the only logical conclusion available to Petitioner is that Lawrence Rosenthal, then the USCOA Seventh Circuit, and eventually even the Northern District Illinois E.D., all variously “blamed” and then defamed Plaintiff and Petitioner, Eugene

Wzorek, intentionally or otherwise; and did so by ultimately accomplishing a convolution of denial of the very evidence of record and wrongdoing which is required to remedy the situation (the task of which Petitioner and Plaintiff Wzorek stands ready);

And with that injustice occurring via missing / occluded / barred / obscured or hidden (and thus “unavailable”) court evidence of record, which in the instance of acting Corporation Counsel Lawrence Rosenthal was removed at the hand of Defendant's (City of Chicago et al) representative himself, acting Corporation Counsel Lawrence Rosenthal; even as the Court itself then later denies Petitioner Eugene Wzorek access to a copy of the official recorded audio tape of proceedings from 11 May 1990 (but also others), which has now apparently been in possession of acting Corporation Counsel Lawrence Rosenthal for these many long years to present day, without return to the court record and in direct defiance of Rule 11E;

And that the collective result of these actions being aided by faulty and or potentially fraudulent or spoiled judgements during the interim (each pivoting around missing or “inadmissible” evidence of record as being denied to be produced in court by Plaintiff / Plaintiff's counsel, as in physical demonstration of the claims made thereof); and even as said evidence requested, master audio recording tape of 11 May 1990, was missing from the Court's record, as in the instance of having been prior removed at the hand of then-Assistant U.S. Attorney and acting City of Chicago Corporation Counsel Lawrence Rosenthal:

Then by law and Seventh Circuit Rule 11E, all case decisions contrary to Petitioner's pleadings which are directly relevant to the intentionally removed and or missing vital evidence of record must be vacated, granting Summary Judgement to Plaintiff, since Defendant (City of Chicago et al) is barred from any further filings with this Court until such a time as those vital records have been returned to secured court holdings. [Footnote: Rule 11E is very specific on

this matter, as it is a punitive injunction against any form of official removal and or manipulation of crucial court records, evidence and holdings of proceedings.] (see attachment H, Rule 11E as published.)

Further Citations

To the date of this current filing, there exists no record for the return of 11 May 1990's master audio tape to the court's case file by attorney and then-acting Corporation Counsel Lawrence Rosenthal, as per #89-1868 / #89-2988 (see attachment K, George Schuch, “records request made in person”, with notarized affidavit and signed delivery receipts). Such request was made on behalf of Plaintiff Eugene Wzorek by Mr. George Schuch at the Chicago NARA records repository, 7358 South Pulaski Road, Chicago, Illinois on Monday, 04 June 2018; and noting absence of vital records, Mr. Schuch took photographic record of the file as it exists, noting omissions in a signed and notarized Affidavit, copies of which have been sent to NARA offices and to the USCOA Seventh Circuit, herein provided with signed delivery receipts attached (see attachment K, George Schuch, “records request made in person”, with notarized affidavit and signed delivery receipts).

It is also of vital importance in this case (#84-CV-9978 in general, but specifically USCOA Seventh Circuit #89-1868 / #89-2988) to note that as per Rule 11E, regarding “missing” and or intentional removal of evidence of record from the case file, USCOA Seventh Circuit did inadvertently issue its ruling in this case while this vital evidence of record was missing from the case file.

Thus, by published Illinois Code of Civil Procedure and Rules of Court, August 12, 1987, Chapters 110 (Practice) and 110A (Practice Rules), Rule 11E, this action of removal of the master audio tape transcript recording by then-Assistant US Attorney and acting City of Chicago

(Defendant's) Corporation Counsel Lawrence Rosenthal bars Defendant, City of Chicago et al, from filing any further motions with the Court until such time as the missing evidence is reintroduced into Court clerk's custody, which by record does not appear to have happened since it's removal by then-acting Corporation Counsel Lawrence Rosenthal, citing a signed removal date as 26 June 1990, with evidence of record now having been absent from the Court's file unto the date of this filing (see attachment G, Record Withdrawal Slip, United States Court of Appeals for the Seventh Circuit, signed by Attorney Lawrence Rosenthal as dated 26 June 1990, date stamped "Jul 18 1990"; but also attachment H, Rule 11E as published).

Thus, it is also this Court's sworn duty, as per Seventh Circuit Appellate Rule 11E, Illinois Code of Civil Procedure and Rules of Court, August 12, 1987, barring Defendant, City of Chicago et al, from any subsequent filing until the physical return of said Court Property in Record (see attachment H, Rule 11E as published), to apply adequate and appropriate sanction against the actions of Defendant, City of Chicago et al, and it's acting Corporation Counsel, Attorney Lawrence Rosenthal but also potentially against others, the actions of whom according to the Court's own published rules must now by law result in summary judgement for Plaintiff, Petitioner and sufferer, Eugene Wzorek, in each of the following affected cases:

A. Of particular note is USCOA Seventh Circuit cases #89-1868 / #89-2988, which as being ruled upon by the Court while vital Evidence of Record was missing (at that time having been withdrawn by Defendant's Corporation Counsel with no record of having been replaced), now clearly remains a decision which must be vacated and or overturned immediately;

B. The same result of which (Defendants being barred from further filings with the Court, until such a time as missing Evidence of Record is returned to the Court, as per Rule 11E) thus vacates earlier dismissals of both Northern District Illinois E.D., Justice Duff, 23 July 1992

decision in 84-CV-9978 (see attachment J, “Motion for access...”, Duff decision with accompanying transcript of 23 July, 1992), resulting in Summary Judgement for Plaintiff;

C. And also Seventh Circuit Court of Appeals #95-CV-3470, directly relevant to #84-CV-9978, decision of 3 July 1996 (see attachment J, records on file, as USCOA for the Seventh Circuit, decision in case # 95-3470, Ordered as rehearing “DENIED”, dated 3 July 1996, signed by Judges Cummings, Easterbrook and Ripple), again resulting in Summary Judgement for Plaintiff;

D. But also 117 S.Ct. 710, Eugene Wzorek v. City of Chicago, case #96-6803, 06 January 1997 (see attachment L, 117 S.Ct. 710, Eugene Wzorek v City of Chicago, #96-6803, 06 January 1997), since denial was obviously based in “flawed” (since Defendant was forbidden in law from filing) but also potentially “barred” decisions;

E. And more recently, but also notably 05-CV-4141 (see attachment P), resulting in Summary Judgement for Plaintiff;

Then, as noted herein and citing Rule 11E, regarding the handling and possession of official court records, the lack of which has apparently prejudiced the lower courts against Plaintiff and Petitioner, sufferer Eugene Wzorek, by failing to provide Plaintiff and Plaintiff's counsel vital evidence, thus placed Plaintiff Wzorek and counsel in a disagreeable, disadvantaged, irreconcilable and untenable position regarding further filings in the attempt to restore Plaintiff, Eugene Wzorek's original equitable decisions and orders; then,

As required by law, and as by published court procedure, with Defendant (City of Chicago et al) and Defendant's Corporation Counsel holding in obvious and direct violation of Seventh

Circuit Civil Code, via Rule 11E;

And also by law, since the permanent or semi-permanent removal of a vital court record of proceeding (the master audio recording) eclipses any resemblance of “time barring,” laches, res judica, etc, and thus precludes any available or reasonable due process for Plaintiff, Eugene Wzorek, resulting in the ongoing violation and loss of Due Process, as accompanying a continuing and persistent denial of Petitioner and Plaintiff Eugene Wzorek's Civil Rights;

Then Plaintiff, Petitioner and sufferer Eugene Wzorek cites that since vital case evidence (the master audio recording of proceedings, USCOA #89-1868 / #89-2988) is and has been missing since approximately 26 June 1990, fully seventeen (17) days prior to USCOA Seventh Circuit's decision in the case itself ;

Then Defendant (City of Chicago et al), and Defendant's acting Corporation Counsel, Lawrence Rosenthal (but also anyone acting on behalf, as acting corporation counsel for Defendant), are by rule and law barred from any further filings with this Court under Rule 11E, from the date of 26 June 1990, carrying forward unto the present date of this filing, citing outstanding and continuing violation of Rule 11E by these same parties, and or lack of compliance in allowing the presentation of physical evidence in subsequent proceedings which might have corrected this violation, resulting in flawed renderings and decisions;

And citing that Rule 11E, by law, specifically prevents any Answer (“motion”, or pleading) whatsoever on the part of Defendant to Petitioner or this Court; then in this instance and specifically as regards Plaintiff's (Eugene Wzorek) Petition for Emergency Hearing: Writ of Certiorari regarding these present, pressing and most outstanding matters before the Court;

And with outstanding decisions against Plaintiff, Eugene Wzorek, that currently stand as presenting, in and by themselves, continuing and further violations of Rule 11E, but also as standing in gross violation of the principle of trial by record , when as a fact decisions of the lower courts have to date refused to allow the presentation of physical evidence in Plaintiff's various motions supporting fraud, missing or altered records, Rule 11E specifically, or even in denial of the simple procurement of copies of master court audiotape recordings, which unlike written transcripts, according to USCOA Seventh Circuit Justice Emeritus (Retired) Richard Posner, remain an original record of the case, perhaps being a “record of last resort” in any question or dispute of facts and or testimony;

And citing that in any case, Defendant's Fraudulent Concealment tolls any applicable statute of limitations;

Then, also Northern District Illinois E.D., and USCOA Seventh Circuit courts are by law and Rule 11E (see attachment H, Rule 11E) also similarly barred from further filings in this present Petition and Motion, until such a time as requested missing vital records are returned to and accounted for in the Court's record, and that as occurring by the efforts and decision of the Justices of this, Our Nation's Most Esteemed Court;

For then, and by the true hand of Justice being delivered unto the bosom and good will of this Court in the form of this most urgent pleading and Petition for Emergency Hearing: Writ of Certiorari, as presented to and among Your Honors, Petitioner Eugene Wzorek seeks nothing more than to be made whole again in the law, and this by Your Honors' grace.

As representing pro se, sworn by my hand on this day,

_____ day of _____, 2018
Eugene Wzorek
4344 S. Honore Street
Chicago, Illinois 60609

NOTARY - In Witness hereof,

_____ Commission _____
Name certification